

**RENEWAL OF JUDGMENT ACT**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: Wayne L. Niederhauser

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**LONG TITLE**

**General Description:**

This bill establishes a process and fee for renewal of judgments.

**Highlighted Provisions:**

This bill:

- ▶ establishes a process and fee for renewal of judgments;
- ▶ establishes the renewal period for eight years; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-2-301**, as last amended by Laws of Utah 2010, Chapters 278 and 283

**78B-6-209**, as last amended by Laws of Utah 2010, Chapter 278

ENACTS:

**78B-6-1801**, Utah Code Annotated 1953

**78B-6-1802**, Utah Code Annotated 1953

**78B-6-1803**, Utah Code Annotated 1953

**78B-6-1804**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **78A-2-301** is amended to read:

31 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

32 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a  
33 court of record not governed by another subsection is \$360.

34 (b) The fee for filing a complaint or petition is:

35 (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs,  
36 interest, and attorney fees is \$2,000 or less;

37 (ii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,  
38 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

39 (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;

40 (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter  
41 4, Separate Maintenance; and

42 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5.

43 (c) The fee for filing a small claims affidavit is:

44 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,  
45 interest, and attorney fees is \$2,000 or less;

46 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,  
47 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

48 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,  
49 interest, and attorney fees is \$7,500 or more.

50 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party  
51 complaint, or other claim for relief against an existing or joined party other than the original  
52 complaint or petition is:

53 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is  
54 \$2,000 or less;

55 (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is  
56 greater than \$2,000 and less than \$10,000;

57 (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is

58 \$10,000 or more, or the party seeks relief other than monetary damages; and

59 (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,  
60 Chapter 4, Separate Maintenance.

61 (e) The fee for filing a small claims counter affidavit is:

62 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is  
63 \$2,000 or less;

64 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is  
65 greater than \$2,000, but less than \$7,500; and

66 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is  
67 \$7,500 or more.

68 (f) The fee for depositing funds under Section 57-1-29 when not associated with an  
69 action already before the court is determined under Subsection (1)(b) based on the amount  
70 deposited.

71 (g) The fee for filing a petition is:

72 (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims  
73 department; and

74 (ii) \$65 for an appeal of a municipal administrative determination in accordance with  
75 Section 10-3-703.7.

76 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
77 petition for writ of certiorari is \$225.

78 (i) The fee for filing a petition for expungement is \$135.

79 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
80 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'  
81 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'  
82 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement  
83 Act.

84 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be  
85 allocated by the state treasurer to be deposited in the restricted account, Children's Legal

86 Defense Account, as provided in Section 51-9-408.

87 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),  
88 and (1)(~~r~~)(s) shall be allocated to and deposited with the Dispute Resolution Account as  
89 provided in Section 78B-6-209.

90 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),  
91 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be  
92 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

93 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and  
94 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court  
95 Security Account, as provided in Section 78A-2-602.

96 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
97 United States is \$35.

98 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is  
99 50% of the fee for filing an original action seeking the same relief.

100 [~~t~~] (m) The fee for filing probate or child custody documents from another state is  
101 \$35.

102 [~~m~~] (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of  
103 the Utah State Tax Commission is \$30.

104 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state  
105 or a judgment, order, or decree of an administrative agency, commission, board, council, or  
106 hearing officer of this state or of its political subdivisions other than the Utah State Tax  
107 Commission, is \$50.

108 [~~n~~] (o) The fee for filing a judgment by confession without action under Section  
109 78B-5-205 is \$35.

110 [~~o~~] (p) The fee for filing an award of arbitration for confirmation, modification, or  
111 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
112 action before the court is \$35.

113 [~~p~~] (q) The fee for filing a petition or counter-petition to modify a decree of divorce is

114 \$100.

115 [~~(r)~~] (r) The fee for filing any accounting required by law is:

116 (i) \$15 for an estate valued at \$50,000 or less;

117 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

118 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

119 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

120 (v) \$175 for an estate valued at more than \$168,000.

121 [~~(s)~~] (s) The fee for filing a demand for a civil jury is \$250.

122 [~~(t)~~] (t) The fee for filing a notice of deposition in this state concerning an action  
123 pending in another state under Utah Rule of Civil Procedure 26 is \$35.

124 [~~(u)~~] (u) The fee for filing documents that require judicial approval but are not part of  
125 an action before the court is \$35.

126 [~~(v)~~] (v) The fee for a petition to open a sealed record is \$35.

127 [~~(w)~~] (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in  
128 addition to any fee for a complaint or petition.

129 [~~(x)~~] (x) (i) The fee for a petition for authorization for a minor to marry required by  
130 Section 30-1-9 is \$5.

131 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6,  
132 Part 8, Emancipation, is \$50.

133 [~~(y)~~] (y) The fee for a certificate issued under Section 26-2-25 is \$8.

134 [~~(z)~~] (z) The fee for a certified copy of a document is \$4 per document plus 50 cents  
135 per page.

136 [~~(aa)~~] (aa) The fee for an exemplified copy of a document is \$6 per document plus 50  
137 cents per page.

138 [~~(bb)~~] (bb) The Judicial Council shall by rule establish a schedule of fees for copies of  
139 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,  
140 Government Records Access and Management Act. Fees under this Subsection (1)[~~(aa)~~](bb)  
141 shall be credited to the court as a reimbursement of expenditures.

142            [~~(bb)~~] (cc) There is no fee for services or the filing of documents not listed in this  
143 section or otherwise provided by law.

144            [~~(cc)~~] (dd) Except as provided in this section, all fees collected under this section are  
145 paid to the General Fund. Except as provided in this section, all fees shall be paid at the time  
146 the clerk accepts the pleading for filing or performs the requested service.

147            [~~(dd)~~] (ee) The filing fees under this section may not be charged to the state, its  
148 agencies, or political subdivisions filing or defending any action. In judgments awarded in  
149 favor of the state, its agencies, or political subdivisions, except the Office of Recovery  
150 Services, the court shall order the filing fees and collection costs to be paid by the judgment  
151 debtor. The sums collected under this Subsection (1)[~~(dd)~~](ee) shall be applied to the fees after  
152 credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

153            (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts  
154 shall transfer all revenues representing the difference between the fees in effect after May 2,  
155 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of  
156 Facilities Construction and Management Capital Projects Fund.

157            (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities  
158 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the  
159 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to  
160 initiate the development of a courts complex in Salt Lake City.

161            (B) If the Legislature approves funding for construction of a courts complex in Salt  
162 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and  
163 Management shall use the revenue deposited in the Capital Projects Fund under this Subsection  
164 (2)(a)(ii) to construct a courts complex in Salt Lake City.

165            (C) After the courts complex is completed and all bills connected with its construction  
166 have been paid, the Division of Facilities Construction and Management shall use any money  
167 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal  
168 District Court building.

169            (iii) The Division of Facilities Construction and Management may enter into

170 agreements and make expenditures related to this project before the receipt of revenues  
171 provided for under this Subsection (2)(a)(iii).

172 (iv) The Division of Facilities Construction and Management shall:

173 (A) make those expenditures from unexpended and unencumbered building funds  
174 already appropriated to the Capital Projects Fund; and

175 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for  
176 under this Subsection (2).

177 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues  
178 representing the difference between the fees in effect after May 2, 1994, and the fees in effect  
179 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
180 account.

181 (c) The Division of Finance shall deposit all revenues received from the court  
182 administrator into the restricted account created by this section.

183 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall  
184 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor  
185 Vehicles, in a court of record to the Division of Facilities Construction and Management  
186 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be  
187 calculated on the balance of the fine or bail forfeiture paid.

188 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer  
189 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in  
190 a court of record to the Division of Finance for deposit in the restricted account created by this  
191 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the  
192 balance of the fine or bail forfeiture paid.

193 (3) (a) There is created within the General Fund a restricted account known as the State  
194 Courts Complex Account.

195 (b) The Legislature may appropriate money from the restricted account to the  
196 administrator of the courts for the following purposes only:

197 (i) to repay costs associated with the construction of the court complex that were

198 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and  
199 (ii) to cover operations and maintenance costs on the court complex.

200 Section 2. Section **78B-6-209** is amended to read:

201 **78B-6-209. Dispute Resolution Restricted Account -- Appropriation.**

202 There is created a restricted account within the General Fund known as the "Dispute  
203 Resolution Account." Three dollars of the fees established in Subsections 78A-2-301(1)(a)  
204 through (e), (1)(g), and (1)(~~+~~)(s) shall be allocated to and deposited in the restricted account.  
205 The Legislature shall annually appropriate money from the Dispute Resolution Account to the  
206 Administrative Office of the Courts to implement the purposes of the Alternative Dispute  
207 Resolution Act.

208 Section 3. Section **78B-6-1801** is enacted to read:

209 **Part 18. Renewal of Judgment Act**

210 **78B-6-1801. Title.**

211 This part is known as the "Renewal of Judgment Act."

212 Section 4. Section **78B-6-1802** is enacted to read:

213 **78B-6-1802. Renewal by motion.**

214 A court of record may renew a judgment issued by a court if:

- 215 (1) a motion is filed within the original action;
- 216 (2) the motion is filed before the statute of limitations on the original judgment expires;
- 217 (3) the motion includes an affidavit that contains an accounting of the original  
218 judgment and all postjudgment payments, credits, and other adjustments which are provided  
219 for by law or are contained within the original judgment;
- 220 (4) the facts in the supporting affidavit are determined by the court to be accurate and  
221 the affidavit affirms that notice was sent to the most current address known for the judgment  
222 debtor;
- 223 (5) the time for responding to the motion has expired; and
- 224 (6) the fee required by Subsection 78A-2-301(1)(l) has been paid to the clerk of the  
225 court.



226 Section 5. Section **78B-6-1803** is enacted to read:

227 **78B-6-1803. Notice.**

228 Notice of a motion for renewal of judgment is served in accordance with the Rules of  
229 Civil Procedure and opposition may be filed pursuant to the rules.

230 Section 6. Section **78B-6-1804** is enacted to read:

231 **78B-6-1804. Date and duration of judgment.**

232 Upon granting a motion for the renewal of judgment, the court shall enter an order  
233 which renews the original judgment from the date of entry of the order or from the scheduled  
234 expiration date of the original order, whichever occurs first, for the same amount of time as the  
235 original judgment.